IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 923 of 2005

Between:

B. Anjinaiah S/o Yellappa , R/o Nowlakal Village, Peddakadubur Mandal, Kurnool District

..... PETITIONER

AND

1 The Joint Collector, Kurnool District
2 The Revenue Divisional Officer, Adoni, Kurnool District
3 The Mandal Revenue Officer, Peddakadubur Mandal, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 1st Respondent in dismissing the appeal vide Rc. No. CS3/286/2004 dt 27-12-2004 in confirming proceedings of the 2nd Respondent without considering the evidence produced by the petitioner as illegal, arbitrary, malafide and violative of principles of natural justice and consequently suspend the orders of the 2nd Respondent and pass such other order or orders.

Counsel for the Petitioner:MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner as a fair price shop dealer was suspended by the second respondent, through his proceedings dated 16.07.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent, together with an application for stay. Since no orders were passed in the application for stay, he approached this Court by filing W.P.No.14709 of 2004. On finding that there were certain fundamental defects in the order of suspension, dated 16.07.2004, passed by the second respondent, this Court directed that the same should not be given effect to, pending disposal of the appeal and the first respondent was directed to dispose of the appeal within four weeks. It was in this context that the first respondent disposed of the appeal, through his order dated 27.12.2004. He refused to interfere with the order of suspension. He directed the second respondent to finalize the proceedings pending before him. The petitioner feels aggrieved by the dismissal of the appeal.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Though the first respondent has undertaken extensive discussion in the matter, he failed to address a basic infirmity, pointed by this Court, in the order in W.P.No.14709 of 2004 viz. that the suspension was imposed as a substantive punishment through the order dated 16.07.2004, but it was not preceded by an

enquiry. The petitioner had the benefit of the relief granted in that writ petition, from 28.12.2004. No harm, as such, would be caused to anyone, if the same arrangement is continued till the second respondent concludes the proceedings before him.

Hence, the writ petition is disposed of directing that the arrangement that existed during the pendency of the appeal before the first respondent shall be continued till the second respondent disposes of the proceedings initiated by him against the petitioner, and that he shall expedite the disposal of the same. There shall be no order as to costs.

28.01.2005

Note:

Issue CC in three days.

(BO)

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To

1 The Joint Collector, Kurnool District
2 The Revenue Divisional Officer, Adoni, Kurnool District
3 The Mandal Revenue Officer, Peddakadubur Mandal, Kurnool District

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad (OUT).

5 Two C.D. Copies.